



THE CITY OF NEW YORK  
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**BY ECF**

Douglas C. Palmer, Esq.  
Clerk of the Court  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Justin Diaz v. City of New York, et al.*, 13 CV 6377 (PKC) (VMS) and  
*Alan Brown v. Police Officer Michael Walsh, et al.*, 14 CV 03247 (JBW)(RML)

Dear Mr. Palmer:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and one of attorneys assigned to the defense of these matters.<sup>1</sup> Pursuant to Rule 50.3.1 (d) of the Guidelines for the Division of Business Among District Judges, defendant writes to respectfully request that it be determined that the *Brown* matter and the matter of *Justin Diaz v. City of New York, et al.*, 13 CV 6377, are related. Defendant further requests that the *Brown* matter be transferred to Judge Scanlon for discovery purposes. This office has consulted with plaintiff's counsel, Gabriel Harvis, Esq., and he agrees to the transfer.

By way of background, Judge Weinstein in the related *Donald Franks v. City of New York, et al.*, 13 CV 623 (JBW) (VMS) matter, ordered that all of the pending cases related to this one incident be transferred to Judge Scanlon for discovery purposes. As such, *Justin Diaz v. City of New York, et al.*, 13 CV 6377 (PKC) (VMS), *Patrick Torres, et al v. City of New York, et al.*, 13 CV 6526 (WFK) (VMS) and *Ramel Wheeler v. City of New York, et al.*, 13 CV 7421 (RRM) (VMS) were transferred accordingly.

Similarly, on March 27, 2014, Judge Chen ordered that the related matters of *Ralph Compere v. the City of New York, et al.*, 14 CV 560 (WFK) (JO); *Xavier Ramos, et al. v. the City of New York, et al.*, 14 CV 561 (SJ) (VVP); and *Alfred Brown v. City of New York, et al.*, 14 CV 1350 (JG) (MDG) be assigned/reassigned to Judge Scanlon for discovery because the parties'

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<sup>1</sup> According to the docket sheet, the defendant officers have not been served and the City of New York is not a party. In order to help facilitate this matter, the City of New York is asking for this relief on behalf of the defendant officers at this time.

and judicial resources would be conserved by coordinating discovery in these cases with the *Diaz* matter. On April 18, 2014, Judge Gleeson ordered that the *Kenneth Glover, et al v. the City of New York, et al.* 14 CV 1636 (JG)(MDG) be reassigned to Judge Scanlon for discovery purposes, as well. The parties held settlement conferences before Judge Scanlon in all of those matters, which have either settled and are in the process of finalizing the settlement.

As such, Judge Scanlon has presided over a total of eight matters with eleven plaintiffs all stemming from the same incident on October 31, 2012. All of these matters have similar factual and legal issues, which satisfies paragraph (a) of Rule 50.3.1 of the Guidelines for the Division of Business Among District Judges. The related actions all stem from the same October 31, 2012 incident which resulted in the arrests of plaintiffs for allegedly either burglarizing a Key Food Supermarket in the Coney Island section of Brooklyn following Hurricane Sandy or obstructing these arrests from taking place. In fact, these plaintiffs were just twelve of the many individuals arrested after the manager of the Key Food Supermarket called 911 to report the burglary.

As such, referring this matter to Judge Scanlon would save judicial resources. *See* Rule 50.3.1, Guidelines for the Division of Business Among District Judges. Moreover, Judge Scanlon is well versed in the facts and legal issues that have arisen in these cases, which will allow these cases to move forward more expeditiously. Accordingly, we respectfully request that it be determined that these matters are related and that the *Brown* matter be referred to Judge Scanlon for the purposes of discovery.

Thank you for your consideration herein.

Respectfully submitted,

s/  
Nicholas Melissinos

cc: BY ECF

Gabriel Harvis, Esq.  
*Attorney for Plaintiff Brown*

Honorable Pamela K. Chen  
United States District Judge

Honorable Jack B. Weinstein  
United States District Judge

Honorable Robert M. Levy  
United States Magistrate Judge

Honorable Vera M. Scanlon  
United States Magistrate Judge